

REMARKS**I. Status of the claims**

Claims 1-8, 10-12, and 15-25, were previously cancelled. Claims 9 and 13 are amended to recite that the antibody is reshaped human antibody hPM-1 which is described on page 11, lines 1-2 of the specification. No new matter is added. These amendments are made solely to advance prosecution and without disclaimer of subject matter removed by amendment. Upon entry of this amendment, independent claims 9 and 13, and dependent claim 14 are pending.

Although these amendments and the terminal disclaimer are submitted after a final Office Action, entry and consideration thereof are respectfully sought as they address the outstanding bases of rejection and place the claims in condition for immediate allowance.

II. Obviousness type double patenting

The previously filed Terminal Disclaimer was rejected for alleged informalities. Solely to advance prosecution, submitted herewith is a new Terminal Disclaimer prepared on the USPTO's standard Terminal Disclaimer form. The obviousness-type double patenting rejection is believed to be overcome.

III. Rejection under 35 U.S.C. § 112, first paragraph

The USPTO maintained the rejection of claims 9, 13 and 14 for allegedly containing new matter, based on their alleged recitation of a genus of antibodies. The foregoing amendments remove this basis of rejection, and Applicant respectfully requests that the rejection be withdrawn. The amended claims now recite the antibody is "reshaped human antibody hPM-1," which is defined in the present specification at page 11, lines 1-2 as an antibody described in WO 92/19759.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Examiner Ewoldt is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to the Deposit Account.

Respectfully submitted,

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